

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 ANTHONY BUTLER,

4 Plaintiff

5 v.

6 NEVADA DEPARTMENT OF
7 CORRECTIONS,

8 Defendant

Case No. 3:18-cv-00518-MMD-CBC

ORDER

FILED	RECEIVED
ENTERED	SERVED ON
COUNSEL/PARTIES OF RECORD	
OCT 31 2018	
CLERK US DISTRICT COURT	
DISTRICT OF NEVADA	
BY:	DEPUTY

9 I. DISCUSSION

10 Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections
11 ("NDOC"), has filed a notice of intent to file a complaint. (ECF No. 1-1). Plaintiff has not
12 filed a complaint or an application to proceed *in forma pauperis* in this matter.

13 Under Federal Rule of Civil Procedure 3, "[a] civil action is commenced by filing a
14 complaint with the court." Fed. R. Civ. P. 3. As such, the Court grants Plaintiff thirty (30)
15 days from the date of this order to submit a complaint to this Court.

16 Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an
17 application to proceed *in forma pauperis* and attach both an inmate account statement
18 for the past six months and a properly executed financial certificate. Plaintiff will be
19 granted an opportunity to file an application to proceed *in forma pauperis*, or in the
20 alternative, pay the full filing fee for this action. If Plaintiff chooses to file an application
21 to proceed *in forma pauperis* he must file a fully complete application to proceed *in forma*
22 *pauperis*.

23 II. CONCLUSION

24 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court WILL SEND
25 Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well
26 as the document entitled information and instructions for filing an *in forma pauperis*
27 application.

28 IT IS FURTHER ORDERED that within thirty (30) days from the date of this order,

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2 Plaintiff must either: (1) file a fully complete application to proceed *in forma pauperis*, on
3 the correct form with complete financial attachments in compliance with 28 U.S.C. §
4 1915(a); or (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing
5 fee and the \$50 administrative fee).

6 IT IS FURTHER ORDERED that Plaintiff will submit a complaint to this Court within
7 thirty (30) days from the date of this order.

8 IT IS FURTHER ORDERED that the Clerk of the Court will send to Plaintiff the
9 approved form for filing a 42 U.S.C. § 1983 complaint and instructions for the same.

10 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
11 dismissal of this action may result.

13 DATED THIS 21st day of October 2018.
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16 UNITED STATES MAGISTRATE JUDGE
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